

BAKER BOTTS L.L.P.

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Counsel for Defendants
Chicago Bridge & Iron Company N.V.,
Philip Asherman, Ron Ballschmiede and
Westley Stockton

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE CHICAGO BRIDGE & IRON)	CASE NO. 1:17-CV-1580 Hon. Lorna Schofield
COMPANY N.V. SECURITIES)	
LITIGATION)	
)	

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'
MOTION IN LIMINE NO. 4**

Defendants Chicago Bridge & Iron Co. N.V. ("CB&I"), Philip K. Asherman, Ronald A. Ballschmiede, and Westley S. Stockton submit this Memorandum of Law in support of their Motion *in Limine* No. 4 to preclude any reference to or mention of the owners' abandonment of the V.C. Summer Nuclear Project in 2017, or any reference to or mention of other shareholder litigation against and investigations of SCANA Corporation and/or South Carolina Electric & Gas Company, the owners of the V.C. Summer Nuclear Project, related to the owners' abandonment of that Project.

The V.C. Summer owners' decision to abandon that Nuclear Project occurred approximately two years after CB&I sold the nuclear business that it had acquired from The Shaw Group (including the two Nuclear Projects at issue in this lawsuit) to Westinghouse Electric Co. LLC ("Westinghouse"). Thus, the V.C. Summer owners' decision is not relevant to the allegations and challenged statements at issue in this lawsuit, and any such reference or mention could only serve to unfairly prejudice, confuse, and mislead the members of the jury. Fed. R. Evid. 402, 403.

SCANA and SCE&G have disclosed that they were defendants in numerous federal and state legal proceedings and governmental investigations relating to the decision to abandon construction at the V.C. Summer Nuclear Project. Among other things, the lawsuits and investigations allege misrepresentations, failure to properly manage the Nuclear Project, unfair trade practices, and violation of anti-trust laws. Those proceedings are not relevant to the allegations and challenged statements in this lawsuit, and any such reference or mention could only serve to unfairly prejudice, confuse, and mislead the members of the jury. FED. R. EVID. 402, 403.

Dated: December 13, 2021

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ David D. Sterling

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